



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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| PUBLIC MEETING MINUTES: | BOARD OF ARCHITECTS |
| MEETING DATE AND TIME: | Wednesday, May 7, 2014 at 1:30 p.m. |
| PLACE: | 861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware |
| MINUTES APPROVED: | June 4, 2014 |

MEMBERS PRESENT

John Mateyko, RA, Professional Member, President
Richard Wertz, RA, Professional Member
Paul Guggenberger, RA, Professional Member
Todd Breck, RA, Professional Member
Prameela Kaza, Public Member
Kevin Wilson, RA, Professional Member, Secretary

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Jennifer Singh, Deputy Attorney General
Meaghan Jerman, Administrative Specialist II

ABSENT

Joseph Schorah, Public Member
Elizabeth Happoldt, Public Member

OTHERS PRESENT

Nancy Payne, AIA Delaware

Call to Order

Mr. Mateyko called the meeting to order at 1:45 p.m.

Review and Approval of Minutes

The Board reviewed the minutes of the April 2, 2014 meeting. Mr. Breck made a motion, seconded by Mr. Wertz to accept the minutes as presented. The motion carried unanimously.

Unfinished Business

Discussion on Regulation Changes to Include the Use of Electronic Seals

Mr. Wilson provided a draft of proposed regulation changes regarding electronic seals. The Board discussed the proposed regulations as well as the need and process for utilizing electronic seals. Mr. Wilson highlighted that the document is invalidated if any data and documents change and it is an un-

editable document. Ms. Singh stated that 7.6.2 of the Board's regulations currently state an original signature is needed, however she reiterated from the April meeting that the statutory provision of *Del. C. § 12A-105* that states that any signature can be electronic which will allow the Board to replace the original signature with an electronic signature. The Board discussed the technology available to accommodate electronic signatures.

Mr. Wilson proposed that the Board make the recommended changes to allow for electronic seals and signatures in lieu of a stamped impression of the architect's seal as long as the specified conditions are met as well as modify the numbering of the proposed regulation to 7.6.1.1, seconded by Ms. Kaza. The motion carried unanimously.

Final Denial of Application – Richard Wilson

Ms. Singh reminded the Board of Mr. Wilson's application and turn of events following the Board's proposal to deny his application. Mr. Wilson did not make a timely request for a hearing and as a result the Board denied his later request at their March meeting. Mr. Wertz made motion to deny Mr. Wilson's application, seconded by Ms. Kaza. The motion passed unanimously with Mr. Breck recusing from the vote.

Jonathon Selway – Applicant for ARE – Review Additional Documentation

The Board reviewed additional documentation submitted by Mr. Selway further clarifying his experience as requested by the Board at their April Board meeting. The Board discussed the current issue with the conflict between the current regulations and the statute with regard to the practical training in architectural work. Ms. Singh explained that she is not comfortable with the Board only allowing applicants who have completed an IDP as they would be working outside the confines of the statute *Del. C. § 307(a)2*. Ms. Singh further stated that there are not regulations currently in place to provide further clarification. The Board discussed this issue at length. Ms. Singh pointed out Regulation 3.4.2 which states the applicant must be enrolled in the NCARB Intern Development Program. Mr. Wilson made a motion to allow Mr. Selway to sit for the ARE with the understanding that prior to registration as an architect he must complete the remaining required IDP or 3 years practical training in architectural work consistent with the guidelines of NCARB, seconded by Mr. Breck. The motion passed unanimously.

Discussion of 24 *Del. C. 307(a)(2)* and Regulations 3.4 and 4.0-the Intern Development Program and statutory qualifications for licensure

The Board felt that this topic was addressed within the confines of the discussion regarding Mr. Selway. Ms. Singh suggested the Board consider creating a legislative committee to begin reviewing regulations. Ms. Singh advised that she will attempt to review the Board's regulations prior to the next meeting to look for other potential issues and if many are found a legislative committee could then be established to address them. There was no further discussion on this matter.

Summary of Delaware Tech Service Learning Capstone Presentation

Mr. Mateyko and Mr. Wertz provided an overview of the Capstone project presentation. Mr. Mateyko shared with the Board the drawings that were distributed at the presentation. The Board discussed Delaware Tech's presentation. Board members shared their opinions regarding the plans that were distributed. Mr. Wilson provided a brief overview of the Board's previous concerns with Delaware Tech's program for the new Board members. Mr. Wilson and Mr. Mateyko shared that they did not feel that what was presented by Delaware Tech was in compliance with the Memorandum of Understanding (MOU). Mr. Mateyko highlighted the project deliverables as defined by the MOU. Mr. Mateyko shared that he did not feel the project and presentation were consistent with the legal terms of the MOU. Mr. Mateyko suggested that the Board table the subject at this time until all Board

members have had an opportunity to fully review the MOU as well as the materials Delaware Tech provided at the presentation.

Update on Subcommittee Meeting for Code Official Law Review

Committee members informed the Board that the meeting with Andy Wright went well. Board member's agreed that this type of meeting should take place more frequently. Mr. Breck explained that Mr. Wright had a series of questions that Board members were able to clarify for Mr. Wright. Ms. Jerman shared with Board members the questions presented by Mr. Wright. The Board hopes to work with Mr. Wright to schedule a meeting with additional coding officials to provide further clarification as needed.

New Business

Discussion of Status of House Bill 103 and Limiting Licensure Qualifications to NCARB Candidates

Ms. Singh explained that House Bill 103 would address the conflict between the statute and the current regulations as was previously discussed earlier in the meeting. Ms. Jerman explained that she was informed by Division staff that it is likely that the Board's Bill will not pass this legislative session and if this is the case it will need to be reintroduced next year. Mr. Breck expressed concern with the Bill as it limits the ability to become registered in Delaware by adopting regulations governing practical training which are consistent with NCARB. Board members agreed that they could address any issues if the Bill does not pass by amending their regulations as needed.

Discussion of Construction Contract Administration Services

Mr. Mateyko stated that he felt that the Board should review this matter as there are new members on the Board. Board members discussed Regulation 7.6.5 and the requirement for a registered architect to submit a form required by 24 Del. C. §303(c)(2) within 30 days of the start of construction by any architect who seals technical submissions submitted to obtain a building permit if the architect has not been employed to provide "construction contract administrative services" for the project. Ms. Jerman reviewed with the Board the correspondence that is sent to the building owner when this form is received. Mr. Breck suggested that this topic be included on the agenda when discussing matters with the building code officials.

Review 2006 Memorandum of Understanding between the Board and the Delaware Association of Professional Engineers

Board members reviewed the 2006 Memorandum of Understanding with the Delaware Association of Professional Engineers. Peter Jennings and Pat Ryan were the previously appointed Board members who represented the Board on the Committee. Mr. Mateyko shared that Mr. Ryan has indicated that he is interested in continuing to serve on the Committee if the Board would approve this. Mr. Mateyko suggested that the Board also have a current Board member on the Committee. Mr. Breck volunteered to serve on the Joint Advisory Committee. Ms. Singh confirmed that Mr. Ryan was eligible to serve on the committee based on the language of the MOU. Mr. Wilson proposed that Mr. Breck represent the Board of Architects with along Patrick Ryan on the Joint Advisory Committee with the Delaware Association of Professional Engineers, seconded by Mr. Guggenberger. The motion passed unanimously.

Review with Board Attorney: Requests for Certificate of Authorization

Mr. Mateyko explained that this item was placed on the agenda for informational purposes for the new Board members. Ms. Singh explained that she feels the statute contemplates that no architect can be managed by a non-architect. Ms. Singh informed the Board that there are currently 286 Certificates of Authorization in Delaware. Mr. Mateyko clarified that sole proprietorships are excluded from that total.

Discussion of the Use of the term Emeritus Architect and Other Nomenclature Issues

Mr. Mateyko explained that this topic was for informational purposes as this matter comes up frequently. Mr. Mateyko addressed the issue of non-licensed individuals using the term architect in such ways as “architectural designer” or “architectural draftsman”. Mr. Mateyko explained that it is not widely understood that it is not acceptable to do this. Mr. Breck further clarified that it is illegal to use the term architect if you are not a licensed architect.

Selection of Delegates for NCARB Annual Meeting in Philadelphia, PA

Mr. Mateyko shared that the NCARB Annual meeting will be held in Philadelphia, PA June 18-21, 2014. Mr. Mateyko stated that he feels it is important that Board members take advantage of the opportunity to attend the meeting as it is being held so close to Delaware and he believes it would be useful if Board members could attend to expand the competency of the Board. Ms. Jerman has been working with NCARB to see if arrangements could be made to allow Board members to attend for the day if desired. Mr. Breck, Mr. Guggenberger, Mr. Wertz, Mr. Wilson, and Mr. Mateyko all expressed an interest in attending a day at the meeting. Ms. Jerman will continue to try to work with NCARB on how to facilitate Board member’s attendance and will contact those interested once more information is obtained.

New Complaints to Assign a Contact Person

There were no new complaints assigned to a contact person.

Ratification of Certificate of Authorization Application(s)

Mr. Wertz made a motion, seconded by Mr. Breck to ratify the Certificate of Authorization’s issued below. The motion carried unanimously.

Cole + Russell Architects KA, Inc. Architecture Studio 3 Design, Inc. EDC, LLC

BRR Architecture

Ratification of Reciprocity Applications – NCARB Certificate

Mr. Wertz made a motion, seconded by Mr. Breck to ratify the applicants by NCARB certification. The motion carried unanimously.

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| Peter Schwab | Aaron Rodebaugh | Stephen Franey | Kenneth Boroson | Neil Sheehan |
| Davis Buckley | Jeffrey Sackenheim | Robert Moll | Larry Doss | Daniel Kelly |
| William Clarke | Nathan Appleman | Jason Birl | | |

Review of Application(s) by NCARB

Alan Plutowski

Mr. Wertz reviewed Mr. Plutowski’s application. Mr. Wertz confirmed that Mr. Plutowski does meet the requirements for licensure and does have the necessary amount of continuing education credits for licensure. Mr. Wertz made a motion to approve Mr. Plutowski’s application for licensure, seconded by Mr. Breck. The motion passed unanimously.

Harold Warner

Mr. Wilson reviewed the application of Harold Warner. Mr. Warner has a history of discipline in Tennessee and South Carolina. Mr. Wilson confirmed that Mr. Warner disclosed the discipline on his application. Board members discussed his previous discipline. Mr. Wilson made a motion, seconded by Mr. Breck to approve Mr. Warner’s application for licensure. The motion passed unanimously.

Review of Applications by Direct Application

Jaime Fishman

Mr. Wertz reviewed the application of Jaime Fishman. Mr. Wertz explained that Mr. Fishman graduated with a Bachelors of Architecture from the University of Maryland, but that the program was not NAAB accredited. Mr. Fishman is registered in Maryland since 1981. Mr. Wertz explained that he feels he is qualified for licensure. Ms. Singh expressed concern that Mr. Fishman does not meet the statutory requirements of 24 Del. C. §307(a)(1). Ms. Singh explained that the Board's regulations further clarify in 4.1.1 that the only education that meets the Board's qualifications are NAAB accredited programs and the NCARB education guidelines. Mr. Breck explained that he believes this regulation excludes individuals who do not have NCARB certificates from licensure.

Ms. Singh explained that the Board needs to determine if they find Mr. Fishman's education equivalent to a NAAB accredited degree. Mr. Wertz explained that he believes Mr. Fishman does meet the education requirements. Board members discussed changing regulations moving forward if they are in the best interest of the public. Mr. Wilson expressed concern that historically the Board has denied similar applicants and suggested the Board review their regulations to potentially address this issue. Mr. Wertz made a motion to table Mr. Fishman's application to further investigate his educational background, seconded by Mr. Breck. The motion passed unanimously.

Meryl Towarnicki

Mr. Wilson reviewed the application of Meryl Towarnicki. Ms. Towarnicki received a Bachelors of Architecture from Spring Garden College in 1987. Mr. Wilson explained that Spring Garden College may have been NAAB accredited but it has since closed. Ms. Towarnicki currently is licensed in Pennsylvania, New Jersey, and New York. Mr. Wilson stated that he believes Ms. Towarnicki is qualified for licensure. Mr. Wilson suggested that he would like to get further information as to whether Spring Garden College was accredited. Ms. Singh explained that per 24 Del. C. §307(a)(1) the Board may approve applicants who have completed such other education as the Board deems equivalent. Although the Board's regulations further clarify this requirement is NAAB accreditation or NCARB education guidelines, the statute does take precedence. Ms. Singh explained she is okay if the Board wants to approve these applicants based on the statute, but that the Board needs to consider regulation changes to further clarify the requirements.

Mr. Wilson made a motion to table Ms. Towarnicki's application as he would like to investigate the accreditation of Spring Garden College, seconded by Mr. Breck. The motion passed unanimously.

Theresa AIDamlouji

Mr. Wertz reviewed the application of Theresa AIDamlouji. Ms. AIDamlouji does have a NAAB accredited degree from New York Institute of Technology and is licensed in six states. Mr. Wertz recommended Ms. AIDamlouji for licensure, seconded by Mr. Guggenberger. The motion passed unanimously.

Other Business Before the Board (for discussion only)

There was no other business before the Board.

Public Comment

There was no public comment.

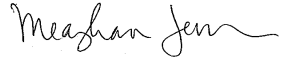
Next Scheduled Meeting

The next meeting will be held on June 4, 2014 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

With no further business before the board, Mr. Breck made a motion to adjourn the public meeting, seconded by Mr. Mateyko. The motion carried unanimously. The meeting adjourned at 4:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Meaghan Jerman".

Meaghan Jerman
Administrative Specialist II